

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JUN 30 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed JUN 30 2004

The applicant **Beatrice Presto and Randy Venturacci**, hereby makes application for permission to change the **point of diversion and place of use of a portion** of water heretofore appropriated under **Claim No. 719 of the Truckee River Decree**, said Decree entered by the **District Court of the United States in and for the District of Nevada** in that certain action entitled "**the United States of America, Plaintiff, vs. Orr Water Ditch Company, Defendants**" in Equity Docket No. A-3

1. The source of water is **Thomas Creek**
2. The amount of water to be changed **10.00 acre feet & a prorata share of the diversion rate**
3. The water to be used for **As Decreed Purposes**
4. The water heretofore permitted for **As Decreed Purposes**
5. The water is to be diverted at the following point **w/in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13 T18N, R19E, MDM or at a point from which the S $\frac{1}{4}$ corner of said Section 13 bears S 56 degrees 14 minutes 30 seconds W, a distance of 648.61 feet**
6. The existing permitted point of diversion is located within **SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7 T18N, R20E, MDM as described on page 82 of the Orr Ditch Decree and illustrated on Sheet 11 of the original culture maps filed to support the Orr Ditch Decree**
7. Proposed place of use **2.667 acres within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13 T18N, R19E, MDM.**
8. Existing place of use **2.667 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8 T18N, R20E, MDM**
9. Use will be from **As Decreed to As Decreed** of each year.
10. Use was permitted from **As Decreed to As Decreed** of each year.
11. Description of proposed works. **Thomas Creek water will be diverted by a diversion structure, headgate and ditch system to place of use.**
12. Estimated cost of works **Existing**
13. Estimated time required to construct works **Existing**
14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks:

By s/Michael D. Buschelman
Michael D. Buschelman
Post Office Box 51371
Sparks, Nevada 89435

Compared jm/gkl _____ ef/ gkl _____

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of Thomas Creek as heretofore granted under Claim 719, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device having a lockable headgate approved by the Federal Water Master must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is limited to the irrigation of 2.667 acres within the described place of use and not to exceed an annual duty of 3.75 acre-feet per acre of land irrigated from any and/or all sources. The period of use is as decreed.

A monthly report shall be submitted to the Federal Water Master within 10 days from the end of each month, which shall include the amount of water diverted and the amount of water used.

This permit is subject to continuing jurisdiction and regulation by the Federal Water Master.

(CONTINUED ON PAGE 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.067 cubic feet per second, **but not to exceed 10.0 acre-feet as decreed.**

Work must be prosecuted with reasonable diligence and be completed on or before:

October 13, 2008

Proof of completion of work shall be filed on or before:

November 13, 2008

Water must be placed to beneficial use on or before:

October 13, 2011

Proof of the application of water to beneficial use shall be filed on or before:

November 13, 2011

Map in support of proof of beneficial use shall be filed on or before:

November 13, 2011

IN TESTIMONY WHEREOF, I, Tracy Taylor, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 13th day of October, A.D. 2006

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____